

**Notice of Allowability**

Application No.

10/609,210

Examiner

John H Le

Applicant(s)

KECK, JAMES C.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's amendment filed 11/01/2004.
2. ☒ The allowed claim(s) is/are 1-7, 10-21, and 24-25.
3. ☒ The drawings filed on 28 June 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

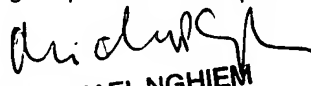
\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
MICHAEL NGHIEM  
PRIMARY EXAMINER

11/24/04

**EXAMINER'S AMENDMENT**

***Response to Amendment***

1. Applicant's amendment filed 11/01/2004 has been entered and carefully considered.

Claims 1, 10, 11, 19, 24, and 25 have been amended.

Claims 8-9 and 22-23 have been canceled.

**EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The applicant has been amended as follows:

In the Specification:

Page 1, line 1, inserted – This application is a continuation-in-part of copending U.S. Patent Application Number 10/132,581, now US PAT 6, 619,118, filed 04/25/2002 --.

***Reasons for Allowance***

3. Claims 1-7, 10-21, and 24-25 are allowed.
4. The following is a statement of reasons for the indication of allowable subject matter:

In combination with other limitations of the claims, the cited prior arts fails to teach a plurality of sensors disposed along the sensing probe, the plurality of sensors each including a means for providing a signal that enables a determination of whether the sensor is disposed proximal to the sedimentary layer, the scum layer, or any

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intervening liquid zone in the septic tank, wherein a plurality of the sensors comprise temperature transducers comprising thermistors for sensing at least one of the sedimentary, the scum layer, and/or any intervening liquid zone and wherein a rate of heat transfer from the thermistors to a surrounding medium is determined to provide an indication of whether the sensor is disposed proximal to the sedimentary layer, the scum layer, or any intervening liquid zone in the septic tank, as recited in amended claim(s) 1.

In combination with other limitations of the claims, the cited prior arts fails to teach a plurality of sensors disposed along the sensing probe, the plurality of sensors each including a means for providing a signal that enables a determination of whether the sensor is disposed proximal to a given layer of material in the container, wherein a plurality of the sensors comprise temperature transducers comprising thermistors for sensing at least one of the sedimentary layer, the scam layer, and/or any intervening liquid zone and wherein a rate of heat transfer from the thermistors to a surrounding medium is determined to provide an indication of whether the sensor is disposed proximal to the sedimentary layer, the scum layer, or any intervening liquid zone in the septic tank, as recited in amended claim(s) 19.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Contact Information***

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John H. Le whose telephone number is 571-272-2275.

The examiner can normally be reached on 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Barlow can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

John H. Le

Patent Examiner-Group 2863

November 23, 2004



MICHAEL NGHIEM  
PRIMARY EXAMINER